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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

TIMOTHY SCOTT ADAMS,

Defendant and Appellant.

E072087

(Super.Ct.No. BRP1801455)

OPINION

APPEAL from the Superior Court of Riverside County. Judith M. Fouladi,
Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Affirmed.

Robert L.S. Angres, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Timothy Scott Adams was convicted of second degree murder (Pen. Code,¹ § 187) on April 7, 1993. He was sentenced to 18 years to life in prison. A trial court subsequently found him in violation of his parole conditions following a contested hearing.

Defendant filed a timely notice of appeal. We affirm.

PROCEDURAL BACKGROUND

On October 18, 2018, defendant's parole agent filed a petition for revocation, alleging that defendant violated his parole conditions by: (1) failing to participate in a veteran's substance abuse treatment program; (2) failing to participate in a transitional housing program (THP) substance abuse treatment program; (3) failing to participate in antinarcotic testing; (4) possessing a crossbow; and (5) possessing a knife with a blade exceeding two inches.

The court held a hearing on the petition on January 29, 2019. Defendant's parole officer testified as follows: He began to supervise defendant in late April or early May 2018. He received a written copy of defendant's conditions of parole, which defendant had already acknowledged and signed. One of the conditions required defendant to complete a substance abuse treatment program, as directed by his parole agent/authority. Another condition required him to submit to urinalysis testing when instructed to by a parole agent.

¹ All further statutory references will be to the Penal Code, unless otherwise noted.

The parole agent met with defendant on September 19, 2018, at the parole office and asked him to submit a urine sample for testing. Defendant left the office, saying he needed to get some lunch and something to drink so he would be able to urinate. He eventually submitted a sample that tested positive for methamphetamine. Defendant then signed a voluntary admission that he used methamphetamine. Thus, the parole officer directed him to participate in substance abuse treatment. Defendant agreed to a residential program through the veteran's administration. The parole officer later contacted a staff member who said defendant had an appointment set up for admission into the program, but he did not appear.

The parole officer made alternative plans for defendant to enroll in a substance abuse program at THP. Defendant reported to THP on October 10, 2018, and checked in. He reviewed the house rules and curfew. Two days later, the parole officer was informed that defendant set off a fire alarm the day before, left that evening, and did not return. As a result, defendant was discharged from the program.

The parole officer located defendant at his residence on October 12, 2018. The parole officer asked him to submit a urine sample for testing, and defendant said he was not able to urinate. The parole officer told him to drink some liquid, so he drank some juice. The parole officer was at defendant's house for 30 to 40 minutes and asked for a urine sample several times, but defendant did not provide one. He admitted to using methamphetamine a couple days prior. He ultimately refused to submit a urine sample or sign a statement of admission. The parole officer therefore took defendant into custody.

He searched him first and discovered a folding razor blade in his back pocket that was slightly over two inches in length. The officer also found a metal crossbow at the entrance to the kitchen, as well as some arrows.

After the parole officer testified, defense counsel did not present any evidence, but did contest the allegations. He also argued that the parole officer should have applied intermediate sanctions before filing a petition for revocation. The prosecutor responded that section 3000.08, subdivision (h), applied since defendant was sentenced to a life term, and it required defendant to be remanded to the custody of the Department of Corrections and Rehabilitation.

The court concluded that it did not need to consider intermediate sanctions under section 3000.08, subdivision (h). It then found defendant in violation of his parole, as alleged, and remanded custody to the Department of Corrections and Rehabilitation and jurisdiction to the Board of Parole Hearings for future parole consideration.

DISCUSSION

Defendant appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case and two potential arguable issues: (1) whether trial counsel was ineffective for not objecting to hearsay statements that came in through the testimony of defendant's parole officer; and (2) whether the trial court should have considered intermediate

sanctions as a disposition alternative. Counsel has also requested this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, which he has not done.

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have conducted an independent review of the record and find no arguable issues.

DISPOSITION

The judgment is affirmed.

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McKINSTER
J.

We concur:

RAMIREZ
P. J.

MENETREZ
J.